

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AT HOME ELECTRIC and HEATH V.  
FULKERSON,

Plaintiffs,

v.

THE HARTFORD,

Defendant.

No. 2:21-cv-01892 TLN AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiffs are proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On November 19, 2021, defendants filed motions for a more definite statement and to dismiss this case. ECF Nos. 7, 8. Plaintiffs did not respond. On November 19, 2021, the court issued an order informing plaintiffs that a corporate entity (At Home Electric) could not be represented by a pro se litigant but instead must be represented by counsel. ECF No. 10. The court issued an order to show cause requiring plaintiffs to either drop At Home Electric as a plaintiff or obtain counsel for it by November 22, 2021. *Id.* at 2. Plaintiffs were cautioned that failure respond would lead to a recommendation that the action be dismissed. Plaintiffs again did not respond.

Plaintiffs have not responded to the court’s orders, nor taken any action to prosecute this case. A corporation must be represented by counsel; this case cannot go forward in its current


posture. Reading Int'l, Inc. v. Malulani Grp., Ltd., 814 F.3d 1046, 1053 (9th Cir. 2016).

Therefore, it is ORDERED that the hearings currently set for the pending motions at ECF Nos. 7 and 8 on December 15, 2021 are VACATED to be re-scheduled as necessary.

IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, any party may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: November 24, 2021

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE